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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [PK](#) [SL](#) [NP](#)
SUBJECT: NEPAL LEADERS UPDATE A/S BLAKE ON OHCHR EXTENSION
PROSPECTS

REF: KATHMANDU 476

Summary

¶1. (SBU) On June 12, Office of the High Commissioner for Human Rights (OHCHR) Representative Richard Bennett informed Assistant Secretary Robert Blake that his office has been focusing on impunity and discrimination in Nepal. Both problems are still rife and continue to undermine the transition to democracy. He also described the challenges he faced in extending OHCHR's mission and maintaining a comprehensive mandate. In subsequent meetings, the Prime Minister and Foreign Minister were relatively positive about a mandate extension, but the Foreign Secretary admitted that concerns remained about the proper scope of the mandate. A/S Blake strongly encouraged the Government of Nepal to extend OHCHR's mandate.

OHCHR Concerned About Impunity and Discrimination

¶2. (SBU) Richard Bennett, Representative in Nepal for the Office of the High Commissioner for Human Rights (OHCHR), explained to visiting Assistant Secretary for South and Central Asia Robert Blake on June 12, that his office is focused on issues of impunity and discrimination in Nepal. Bennett characterized discrimination as the root cause of the country's ten-year conflict. He added that widespread impunity has eroded national institutions and eroded confidence in government. Retribution and threats against human rights defenders remained a problem, particularly outside Kathmandu. Bennett noted that individuals with political connections can avoid consequences for their actions. He said that political will is even more important in addressing impunity than capacity development. The OHCHR Representative explained that Nepal's National Human Rights Commission (NHRC), first established in 2000, has faced difficulties since its inception, is regarded as politicized, and continues to lack credibility as the Government of Nepal (GON) has only implemented four percent of its recommendations. Bennett acknowledged OHCHR's relationship with NHRC has been strained.

OHCHR Mandate Extension: The OHCHR View

¶13. (SBU) Bennett stated that OHCHR's previous mandate extension in 2007 was also controversial. Resistance arose at both the political and bureaucratic level. Some civil servants viewed OHCHR as usurping the state's authority. In addition, other countries in the region were accusing Nepal of being too accommodating to the United Nations, especially on human rights issues. The GON wants to signal it is not a pushover. The OHCHR Representative said further that he understands the Nepali Government may offer a one-year mandate extension, but with such restrictive conditions that the High Commissioner may be unable to accept the offer. Bennett noted he is under instruction from Geneva to seek a comprehensive mandate. (Note: At a meeting with Emboff on June 10, he elaborated that the High Commissioner only wanted to maintain a presence in a country if her office could engage in both capacity development of local institutions and monitoring.)

OHCHR Extension: PM and Foreign Minister Supportive

¶14. (SBU) Without prompting, in their meeting on June 12 (septel), Prime Minister M.K. Nepal told Assistant Secretary Blake that OHCHR played a key role in Nepal's recent history and that it needed to remain. At the same time, he wanted to strengthen the NHRC and protection of human rights generally. A/S Blake expressed appreciation for those comments and encouraged the GON to support OHCHR's mandate extension. The A/S noted that addressing the issue of impunity would give new impetus to the peace process. In a subsequent meeting, Foreign Minister Sujata Koirala agreed with A/S Blake about

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the importance of a continued role for OHCHR. Koirala mentioned the tensions between OHCHR and the NHRC, but stated she had a good relationship with Richard Bennett and expected they would be able to extend the mandate.

Foreign Secretary Cuts to the Chase

¶15. (SBU) In a separate meeting, Foreign Secretary Gyan Chandra Acharya was more forthcoming about the difficulties to be overcome. Given the new composition of the governing coalition, new parties needed to be brought into the discussion to develop a consensus about OHCHR and its future. He was also clear that, with NHRC now a constitutional body, no overlap of its mandate and OHCHR's would be acceptable. Acharya said that the guidelines recently negotiated between OHCHR and NHRC were a positive step and should help convince both politicians and the NHRC, particularly the two Commissioners with legal backgrounds, that OHCHR would not be stepping on NHRC's authority. He hoped that a full cabinet would be in place by the week of June 15 and that then the discussion about the terms of OHCHR's mandate and the length of the extension could proceed.

OHCHR Regional Issues

¶16. (SBU) Bennett requested U.S. assistance in reestablishing an OHCHR presence in Pakistan. He added that OHCHR was not interested in a large presence, but wanted "a few feet on the ground." On Sri Lanka, Bennett remarked that OHCHR was disappointed by the recent resolution concerning Sri Lanka by the Human Rights Council, and was particularly dismayed by the Nepali Permanent Representative's vocal support for the resolution on the grounds that Nepal might someday require similar support.

Comment

¶17. (SBU) OHCHR's current, three-month extension expires September 9. Prime Minister Nepal did not commit to continuation of a comprehensive mandate, but he and Foreign

Minister Koirala at least appear to be open to some solution in the near future. Whether it will be enough to satisfy the U.S. and other donors, and most importantly OHCHR Geneva, is not yet clear.

¶8. (U) Assistant Secretary Blake cleared this message.
MOON